

Remarks and Arguments

Claims 1-19 are pending in this application. Claims 1 and 10 have been amended to more particularly point out the invention. Support for these amendments is found in the specification on page 7, lines 4-19; and Figure 1.

Drawings

The Office objects to Figure 3a because it believes that it represents prior art and should be labeled as such. Applicants respectfully disagree. Figure 3a represents one embodiment of the invention. The Office is urged to consider page 4, lines 27-29 and page 6, lines 15-25 in this regard. Withdrawal of the objection is respectfully requested.

35 U.S.C. § 102

Claims 1-7 and 9-19 stand rejected as allegedly anticipated under 35 U.S.C. § 102(b) by European Patent No. EP 1,068,901 (hereinafter, "Deguchi").

The standard for anticipation under 35 U.S.C. § 102 requires that each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The Deguchi Reference

According to the Office, Deguchi discloses an electrodeionization device providing a first and second flow path comprising a plurality of alternating depletion and concentration compartments each compartment having a plurality of ion concentration channels capable of allowing the migration of ions into the fluid passing therethrough when a current is generated between said anode and cathode assemblies. The Office believes that each depletion compartment is configured such that fluid brought thereinto flows in to each ion concentration channel substantially sequentially.

Amended Claim 1 recites in part "each depletion compartment comprising one or more conduits connecting a plurality of ion depletion channels" Claims 2-7 depend on claim 1. Applicants note that Deguchi does not disclose this element. Applicants thus believe the amendment obviates the rejection.

Amended Claim 10 recites in part “each concentration compartment comprising one or more conduits connecting a plurality of ion depletion channels” Claims 11-15 depend on claim 10. Applicants note that Deguchi does not disclose this element. Applicants thus believe the amendment obviates the rejection.

Turning to claim 16, Applicants note that claim 16 recites, in part “the average size of the resin beads in the concentration compartments being substantially smaller than the average size of resin beds in the depletion compartments.” Applicants have reviewed Deguchi and do not believe that this element is disclosed. Applicants request that the Office point out specifically where Deguchi discloses that the average size of the resin beads in the concentration compartments are substantially smaller than the average size of resin beds in the depletion compartments, or alternatively Applicants request withdrawal of the rejection of claim 16 and its dependencies.

Claim 8 has been found to be free of the art and allowable if rewritten in independent form incorporating all the limitations of the base claim. In view of the comments submitted above Applicants believe that this objection is now moot.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "E Stewart Mittler", is written over a horizontal line.

E. Stewart Mittler

Attorney for Applicants
Reg. No.50,316

September 29, 2006
Millipore Corporation
290 Concord Road
Billerica, Massachusetts 01821

Tel.: (978) 715-1086
Fax: (978) 715-1382